

BOARD OF BOILER RULES MINUTES
November 9th, 2005 Meeting
Tacoma Labor and Industries

Board Members:

Craig Hopkins, Chair
Steve Bacon
Ken Eshleman
Faye Dietz
Linda Williamson, **Secretary** *

Steve Prideaux absent

Other Attendees:

Tony Oda
Bill Gill
Bobbe Hundley
Chuck Bowers *
Tony McNamara *
Larry Leet *
Terry Chapin *

*– Are the attendees for the Study Session only

The Chair called the Board of Boiler Rules meeting to order at 9:07 a.m., November 9th, 2005. The Board approved the agenda as written with an additional item (number 6) added to discuss a review of a National Board State exam application.

The Agenda was accepted as amended, all approved.

The October 19th meeting minutes were comprised of both departmental minutes along with the court reporter transcriptions during the public hearing portion. For clarification the stenographers' minutes contained thirty pages. All minutes were accepted as submitted. Steve Bacon made a motion to amend court reporters minutes for page 13, line 21; change section V (five) to section IV (four).

The minutes were amended, accepted and passed.

Proposed WAC changes for the upcoming year were discussed at the study session. The assignments are as follows:

- WAC 296-104-045 will be handled by Ken Eshleman.
- RCW 70.79-060/290/300/310 & 320 terminology referencing the phrases of “operating permit” and “inspection certificate. “Are they synonymous; and does a WAC need to be generated to clarify the terminology? Assigned to Faye Deitz.
- Review of the latest edition of CSD 1, 2004 for incorporating into state law assigned to Ken Eshleman. He informed the Board that he has the resources to provide assistance.
- A review with some long standing WACs which apply to the Board of Boiler Rules – WAC 296-104-09. The Board is requesting that Donna Emmingham, AAG looks at these WACs to give us her opinion if we need to change them, amend them or delete them. Steve Bacon will be working with Donna on this WAC change.

Craig Hopkins informed the Board that they will accept more proposed WAC changes up to the March 2006 meeting.

The CR-103 changes have been reviewed by the Chair and he recommends that the Board review the last minute changes of two amendments during the study session. This is an information piece to take a few minutes to review. Contact Sally Elliott if you catch any errors or want changes made.

Department Notes:

Tony Oda brought up the following topics:

Ten inch piping System

- We had a request from a contractor in Spokane who had already installed a ten inch piping system at a church in Spokane, Washington and it was requested by a City of Spokane Inspector to have that system replaced with an ASME Section VIII, Div. 1 hot water storage tank. Mr. Larry Andrews, President of Andrews Mechanical, requested that the system be classified as piping since it was constructed of piping components. After reviewing drawings and documentation from Mr. Andrews; I talked to Francis Brown, Senior Staff Engineer with the National Board. His comment was, if this system is going to be used for hot water storage then it should be built as a Section VIII, Div.1 pressure vessel. Ken Eshleman stated that WAC 10-96-104-205, last paragraph, last sentence, states nonstandard construction, shall not be permitted to avoid standard construction of boilers. Bill Gill commented that he believes in the future this can be made to Section VIII, Div. 1 standards. The Chair believes that the board can not take a stand on something that hasn't been formally brought to the Board. We need to discuss this matter with Donna Emmingham to see if we can make this an informal discussion during our study session in January. Unless the department was to take an adverse decision against this, then it would be really unnecessary for anyone to attend the January meeting to discuss this further.

WAC 296-104-020 Installation Permit

- Linda Williamson/Acting Boiler Chief is going to make a clarification as to when the permits are effective and fees will be charged according to that date (effective date 12/14/2002). Linda will be checking the finance side to break it down and get a figure to see how much it costs per inspection and see what the department should be charging on the installation permit. Craig stated that a comment was made at the study session that some vessels were installed prior to the effective date and have been inspected by the state and they were charged an installation permit fee and not a fine. The "fine" terminology states that: Operating under boiler pressure vessel without valid inspection certificate – first and second offense. Question is, is there latitude there? The department felt it would be too punitive to fine the owners and instead charged the permit fee. How does the department charge? Tony explained it is under the discretion of the Chief Inspector if you are fined a 1 day offense per vessel of \$50.00 and then a second

day offence of 100.00 per vessel. Tony will be talking with our Assistant Attorney General to see if we have that latitude and if we don't we should have the board take a look at revising the WAC. We will add this to the WAC changes for the January Boiler Board Agenda. RCW 70.79.320.

WAC 296-104-170 State to Provide AIA Services

- The department provides authorized inspection services to ASME manufacturers in the state of Washington. The question is does the department wants to continue doing this? The department drastically should check with the department's controller and maybe legal department to see what the fees should be in order to be more reasonable and competitive. The major issue is can the department raise the hourly rate for shop inspections to cover expenses for providing this service? The department may determine that they cannot raise the rates more than the allowable 3 %. It may not be economically feasible to keep providing AIA services if the hourly rates cannot be increased. If we cannot change the existing rates, maybe a new AIA service fee could be added by the Board in WAC 296-104-700. Perhaps if the hourly rates are not changed then, maybe new duties or specialties can be assigned to Inspector 2's? Tony noted that another item that complicates this situation is for our shop Inspector 2's. They are not totally dedicated to do the shop inspection services when they are also doing in-service inspections. We are looking for a balance, maybe 10 or 15 percent of their time spent doing shop inspections balancing it out by doing a certain percentage of in-service inspections. If the time spent doing shop inspections suddenly increased, the inspectors in-service inspection numbers will fall behind. So we are in a unique situation where we have to balance the work load between shop and in-service work for the Inspectors 2's. Ken commented that there are about five other states that authorize this kind of inspection service and it might be interesting if we contacted them to find out what their resources are. Tony will report back to the board at the January meeting with three objectives:
 - 1.) Other states fees
 - 2.) What you would like to see as a fee
 - 3.) Are there any opportunities to get there

RCW 70.79.260 – Internal Inspection Frequencies of Low Pressure Heating Boilers

- This discussion pertained to the modification of internal inspection frequencies of low pressure heating boilers from two years to four years. This would be applicable to low pressure heating boilers that use water treatment or glycol to control internal corrosion. Ken Eshleman stated that opening these boilers ever two years does more harm than good. Craig felt doing internals every two years was a good thing considering the condition of the boilers he has experienced. If this RCW is to be changed then it needs to go before the legislature again. If the department wants to change this RCW then we should wait to make sure we don't have any other changes since it needs to go before the legislature. This will be on the agenda for proposed RCW 70-79-260 changes at the next meeting in January 2006.

WAC 296-104-700 Permit fee

- The department has thought about reducing the installation permit fee for domestic hot water tanks from 50.00 dollars to 15.00 dollars. Charging 25.00 dollars for a typical air tank or typical boiler installation and \$50.00 for any boiler that is a 1 million btu/hr. fuel input. After discussion the Board has requested that the department research how much it actually costs to inspect and record newly inspected objects. From the stakeholder side, some customers and inspectors have voiced their concerns about charging the addition 50.00 dollar fee on the hot water tanks. We get a lot of complaint calls regarding this issue. Not putting the fee on pre-December 2002 objects will be a big help. The board will be expecting a WAC change proposal from the department on this issue.

National Board and State Exams

- The Board understands its responsibility for proctoring exams and will try to have an on board member proctored each exam. The Board will also get involved in reviewing the test questions for the state exam. Tony said that he will bring a full set of questions to the next Board meeting. The department will also submit new written procedures for the handling, tracking, and accountability of both the National Board Exams and the State Exams.

Added Item to Agenda #7, Article IV, Election of Chairperson

- The Board shall elect (by written ballot or voice vote) one of its members by simple majority to serve as chairperson for one year, or until their successor is elected at the Annual November meeting. The elected chairperson shall assume the office at the close of the Board business session in November of each year. Steve Bacon nominated Craig Hopkins. A voice vote was taken, and Craig Hopkins was approved unanimously. Craig accepted the position as Chair for year 2006.

Exempt or Not Exempt Atmospheric Pressure Vessels

- Tony Oda's comments: He received a call from an inspector regarding low pressure boilers that operate at atmospheric pressure or on an open system. If these boilers have no way of building up pressure, they should be exempted. In practice, the inspectors have been exempting these types of boilers for years. A situation/example; a company (TUCO) has low pressure heating boilers that they use on an atmospheric system to circulate hot water through piping/hoses to heat buildings and cure drywall until the permanent system is being installed. This company uses ASME code "H" stamped low pressure boilers with high temperature and low flow controllers. The department inspected and reviewed this system and the chief did generate a letter to this company stating that they are exempt by state law. If there is any possibility of pressure buildup, then it would most definitely not be exempt. If an inspector finds a pool heater, our laws and the ASME code does not address this issue. A suggestion was made to include a description of an atmospheric boiler in the definitions. This would give the

department some literature as reference material. Most inspectors already treat them as exempt. Tony will be bringing some diagrams and photos to discuss at the January meeting.

- Craig's comments: Craig states that he does not see an exemption; they would have to get a permit. He feels that he probably would not have exempted it. Craig stated that we have to safe guard the public. The least informed people may be operating it and if they were to rent this devise or sell it and for some reason they put a valve on it then it could become a potential bomb. If folks don't have the proper controls, then it can become very dangerous. It was determined that: If the pump froze then it could develop some pressure. There are other non-code boilers and some of these are cement producing facilities and they are large size boilers. People could do anything to make this a pressure vessel.

Craig thanked Mr. Bill Gill for attending the Study Sessions and Board meetings. We are pleased to have him keep the Board straight on many issues and would like to have him attend all future meetings.

Meeting closed at: 10:33 a.m.

The next meeting will be held at 10:00 a.m., January 10th and 11th, 2006 at the Tacoma Labor and Industries location.

Respectfully submitted,

Linda Williamson, Chief Boiler Inspector
Department of Labor and Industries
Secretary to the Board

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